

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION AT KNOXVILLE

HOLLIS H. MALIN, JR. and
LINDA D. MALIN,

Plaintiffs,

v.

JPMORGAN; JP MORGAN CHASE;
JPMORGAN CHASE BANK;
JPMORGAN CHASE, NATIONAL
ASSOCIATION; and CHASE HOME
FINANCE, LLC,

Defendants.

Case No.:

3-11-cv-534

(Removed from the Chancery Court of
Knox County, Tennessee at Knoxville,
Case No.: 81503-2)

Judge Varlan / Guntton

PETITION FOR REMOVAL

Defendant JPMorgan Chase Bank, N.A., for itself and as successor by merger to Chase Home Finance, LLC (incorrectly named in the Complaint as JPMorgan, JPMorgan Chase, and JPMorgan Chase Bank) ("Chase") hereby petitions this Court, pursuant to 28 U.S.C. §§ 1331, 1332, 1441, and 1446, for removal of this action from the Chancery Court of Knox County, Tennessee at Knoxville to this Court. In support of this removal, Chase would show unto the Court the following:

1. Plaintiffs Hollis H. Malin, Jr. and Linda D. Malin filed a Complaint against Chase in the Chancery Court of Knox County, Tennessee at Knoxville (Case No. 81503-2) on October 17, 2011 (the "Removed Action"). The Summons and Complaint were served upon Chase on October 28, 2011.

2. True and correct copies of all process, pleadings and orders served upon Chase in the Removed Action are attached hereto as Exhibit "A".

3. As recited in paragraph 2 of the Complaint, Plaintiffs Hollis H. Malin and Linda D. Malin are citizens and residents of the State of Tennessee, residing in Knoxville, Tennessee.

4. As recited in paragraph 3 of the Complaint, Chase is a “foreign corporation” with its principal place of business located in the State of Ohio.

5. Pursuant to 28 U.S.C. § 1332(c)(1), “a corporation shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business”

6. As recited on page 7, paragraph 6 of the Complaint, Plaintiffs seek compensatory damages of not less than \$500,000.00.

7. Additionally, in paragraphs 26 and 28, Plaintiffs have alleged causes of action under the Fair Debt Collection Practices Act (“FDCPA”) and the Real Estate Settlement Procedures Act (“RESPA”).

8. This Court has original jurisdiction over this civil action pursuant to 28 U.S.C. § 1332, as complete diversity of citizenship exists between the parties and the amount in controversy exceeds \$75,000.00 exclusive of interests and costs. Additionally, this Court has original jurisdiction over this civil action pursuant to 28 U.S.C. § 1331 as the Plaintiffs have alleged violations of Federal Law.

9. The time for filing this Petition for Removal under the provisions of 28 U.S.C. § 1446 has not expired as this Petition for Removal has been filed with the Court within thirty (30) days of service of the state court action upon Defendant.

10. A written notice of the filing of this Petition for Removal has been served on Plaintiffs as required by 28 U.S.C. § 1446(d).

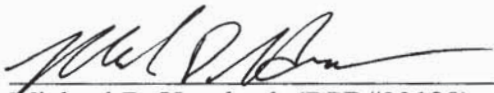
11. A true and exact copy of this Petition for Removal and a Notice of Removal will be filed with the Clerk and Master of the Chancery Court of Knox County, Tennessee in accordance with the provisions of 28 U.S.C. § 1446(d). A true and exact copy of the Notice of Removal is attached hereto as Exhibit "B".

12. In making this Petition for Removal, Chase specifically preserves all defenses available to it pursuant to Rules 8 and 12(b) of the Federal Rules of Civil Procedure.

WHEREFORE, Chase respectfully petitions this Court for removal of this action from the Chancery Court of Knox County, Tennessee at Knoxville to the United States District Court for the Eastern District of Tennessee, Northern Division at Knoxville.

Dated: November 18, 2011.

Respectfully submitted,



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and as successor by merger to Chase Home
Finance, LLC (incorrectly named in the Complaint
as JPMorgan, JPMorgan Chase, and JPMorgan
Chase Bank)*

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing was placed in the U.S. Mail, first class, postage prepaid, addressed to the following on this the 18 day of November, 2011:

Hollis H. Malin Jr.
Linda D. Malin
809 Dry Gap Pike
Knoxville, Tennessee 37918



Michael D. Hornback

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